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**PRE-APPEAL BRIEF REQUEST FOR REVIEW**

Docket Number (Optional)

0119742-002

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)]

on \_\_\_\_\_

Signature \_\_\_\_\_

Typed or printed  
name \_\_\_\_\_

Application Number

10/510,411

Filed

September 12, 2005

First Named Inventor

Zaghouani

Art Unit

1644

Examiner

Edwoldt, G.R.

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal.

The review is requested for the reason(s) stated on the attached sheet(s).

Note: No more than five (5) pages may be provided.

I am the

☐ applicant/inventor.☐ assignee of record of the entire interest.  
See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.  
(Form PTO/SB/96)☒ attorney or agent of record. 51,696  
Registration number \_\_\_\_\_☐ attorney or agent acting under 37 CFR 1.34.

Registration number if acting under 37 CFR 1.34 \_\_\_\_\_



Signature

David B. Fournier

Typed or printed name

312-781-7167

Telephone number

April 30, 2009

Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required.  
Submit multiple forms if more than one signature is required, see below\*.

☐ \*Total of \_\_\_\_\_ forms are submitted.

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Habib Zaghouani  
Appl. No.: 10/510,411  
Conf. No.: 8513  
Filed: September 12, 2005  
Title: METHODS AND COMPOSITIONS FOR TREATMENT, PREVENTION,  
SUPPRESSION, AND/OR DELAYING THE ONSET OF TYPE 1 DIABETES  
Art Unit: 1644  
Examiner: Edwoldt, G.R.  
Docket No.: 0119742-00002

Mail Stop AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**PRE-APPEAL BRIEF REQUEST FOR REVIEW**

Claims 47-48 and 51-61 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over WO 98/30706 in view of Liu *et al.* (1992) *PNAS* 97(26): 283-292 ("Liu"). According to the Office Action, it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to produce the construct of WO 98/30706 employing the T-cell epitopes of SEQ ID NOs: 3 and 4, as taught by Liu (Office Action at page 2). Applicants respectfully traverse this rejection.

As set forth at pages 2 – 6 of the Office Action response dated January 28, 2009, no *prima facie* case of obviousness has been established at least because: (1) Liu teaches away from the presently claimed invention; and (2) no reasonable expectation of success has been established.

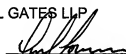
**Conclusion**

The application is believed to be in condition for allowance. Early and favorable considerations is respectfully requested.

Respectfully submitted,

K&L GATES LLP

BY



David B. Fournier

Reg. No. 51,696